

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                           |   |                            |
|---------------------------|---|----------------------------|
| KENNETH GRANT,            | ) | CASE NO. 8:05CV408         |
|                           | ) |                            |
| Plaintiff,                | ) |                            |
|                           | ) |                            |
| v.                        | ) | ORDER GRANTING DEFENDANT'S |
|                           | ) | MOTION TO COMPEL           |
| MARLIN MOUSSEAU,          | ) |                            |
| RICHARD GREENWALD, and    | ) |                            |
| UNITED STATES OF AMERICA, | ) |                            |
|                           | ) |                            |
| Defendants.               | ) |                            |

This matter is before the Court on the Motion to Extend Discovery and the Summary Judgment Deadline (Filing No. 53) and the Motion to Compel Discovery (Filing No. 56), both of which were filed by the United States several weeks ago. Plaintiff Kenneth Grant has not responded to the motions, and it appears that he has not produced the requested discovery. Based on counsel's supporting affidavit, reasonable efforts have been made to find and serve Grant with discovery. The trial of this matter is scheduled for September 25, 2007.

The Court has reviewed the motions and supporting documents. The Plaintiff is directed to produce the discovery requested on or before June 28, 2007. If Plaintiff fails to produce the discovery requested, **then Plaintiff is warned and advised that sanctions permitted under Federal Rule of Civil Procedure 37, may be imposed on him, including dismissal of this matter** based on the Plaintiff's failure to prosecute his case. If the Plaintiff fails to produce the discovery requested, then the Defendant is granted leave to file a motion for sanctions or for dismissal. Such motion shall be filed on or before July 7, 2007. For these reasons,

IT IS ORDERED:

1. The Motion to Extend Discovery and the Summary Judgment Deadline (Filing No. 53) is granted as follows:
  - a. The deadline for the Defendant to conduct discovery is extended through July 20, 2007;
  - b. The deadline for filing summary judgment motions is extended to and including July 27, 2007;
2. The Defendant's Motion to Compel Discovery (Filing No. 56) is granted;
3. On or before June 28, 2007, Plaintiff Kenneth Grant is ordered to respond to the discovery requests served upon him by the United States, which are also set forth in Filing No. 54, by providing written answers to the questions asked and by producing all documents responsive to the requests;
4. Kenneth Grant is put on notice and formally warned that his failure to produce written answers and documents in response to the Defendant's discovery requests may result in the Court imposing sanctions against him, including dismissal of his action for failure to prosecute.

DATED this 21<sup>st</sup> day of June, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge